

### **REMARKS**

Claims 2, 5, 6, 10, 14, 17, 18, and 21-28 are pending in the application. The amendments to the claims clarify certain aspects of the invention. The amendments do not add any new matter or impact the grouping of claims set forth in the Office Action. In the most recent Office Action, the Examiner issued a restriction requirement, requiring the Applicant to elect between one of the following groups of claims:

Group I – Claims 2, 5, 6, 10, 14 and 21-26 – Directed to determining at least one geographic area served by each of a plurality of receiver units wherein displaying the unique ID that identifies the receiver unit to a plurality of end viewers served by the receiver unit so that the ID is displayed on a television to each of the end viewers; each end viewer communicates information including the ID displayed to the end viewer and the geographic area where the ID was displayed to a central system; and identifying at least one geographic area served by the receiver unit having the particular ID, classified in class 707, subclass 104.1; and

Group II – Claims 17, 18, 27 and 28 – Directed to determining at least one end user characteristic associated with a plurality of end users served by a distribution device wherein each end user within a subset of the end users to communicate information including the unique ID that was communicated to the end user and at least one end user characteristic which characterizes the end user to a central system, classified in class 709, subclass 203.

In response to the restriction requirement, Applicant elects Group I without traverse. Accordingly, Claims 17, 18, 27 and 28 have been withdrawn.

### **Rejection of Claims under 35 U.S.C. 102(e) as being anticipated by Meyer**

In the Office Action dated April 17, 2008, the Examiner issued a final restriction requirement and rejected Claims 10, 14 and 24-26 under 35 U.S.C. 102(e) as being anticipated by U.S. Publication No. 2003/0212684 to Meyer *et al.* (“Meyer”). The undersigned called the Examiner and the Examiner stated that the finality of the restriction

requirement would be withdrawn. Therefore, the response filed July 17, 2008 requested the withdrawal of the finality of the restriction requirement, but did not address the claim rejections under § 102. Although the Examiner has not rejected claims under 35 U.S.C. 102(e) as being anticipated by Meyer in the present action, in an effort to facilitate allowance of the application, Applicant submits remarks with respect to the rejection made in the April 17, 2008 Office Action.

Meyer describes remotely configuring devices based on their location. Figure 1 of Meyer illustrates a service provider 32 connected to an intermediate server 60 that tracks the location of portable devices 12 and remotely configures the devices 12 via network 20. The intermediate server maintains location and preference information for the devices. The devices are mobile. The devices provide location information to the intermediate server using GPS techniques or user-entered data or the intermediate server determines the device's location using triangulation techniques or cellular-tower proximity information. [0091]. The location information and the preference information are used to configure the device. For example, if the device is used in multiple geographic locations, each of which requires different access configurations, then the location and preference information are used to remotely and "automatically configure the device appropriately when the user attempts to login to a network." [0097]. Similarly, if other circumstances for the device have changed, such as a new user, new hardware, or a new network topology, then the location and preference information are used to remotely configure the device. *Id.* Meyer only describes determining the location of the remote device. Meyer does not describe determining the location of an area served by the remote device. The remote devices described by Meyer do not have an associated "area served" since the remote devices are the end points of the network.

Meyer does not describe that the intermediate server sends a unique ID identifying the intermediate server to the remote devices, displays the unique ID to the user, and requests that the end users relate the ID that they receive to the location where the ID was received or to other characteristics associated with the location or the end user. Paragraph 0044 of Meyer describes receiving the location data regarding the geographic location of the remote

device from the remote device, then identifying the set of preferences corresponding to the remote device and geographic location of the remote device. Meyer discloses a method for remotely configuring a remote device with a set of preferences based on the location of the remote device. For example, Meyer describes a system wherein when a user's remote device, such as cellular phone is located in a particular location, such as California, the set of preferences corresponding to the remote device for the known location, for example a preferred ring-tone and background image, are transmitted to the remote device.

Meyer does not disclose any direct communication from the intermediate server to the remote devices regarding a unique ID of the intermediate server or displaying the unique ID. Meyer describes that the service provider creates an account for each user, wherein each account contains information describing what remote devices can be used by the user in conjunction with the account to access services provided by the service provider through the intermediate server. Account information is passed to the intermediate server, which saves it in a DNA table. [0061]. When a user of a remote devices attempts to login to a network, the remote device may provide information on the location of the remote device [0097, 0098]. Alternatively, the remote device may provide information on the location of the remote device only when the location has changed. [0098]. Meyer does not disclose or suggest that a unique ID of the intermediate server is sent to or displayed by the remote devices.

Although Meyer may describe that the intermediate server can determine the location of the remote devices, Meyer does not describe that the intermediate server provides an ID that uniquely identifies the intermediate server to an end user or that the end user views the ID and communicates the ID viewed by the user and other information, such as geographic location or demographic information, back to the intermediate server. Claim 10 requires that a receiver unit generates local content that includes a display of the unique ID and that the central system receives a communication from the end viewers that includes the ID that was displayed. Claim 21 requires that the unique ID is transmitted to the end viewers so that it can be displayed on a television and that the central system receives information that includes a particular ID and the geographic area where the particular ID was displayed.

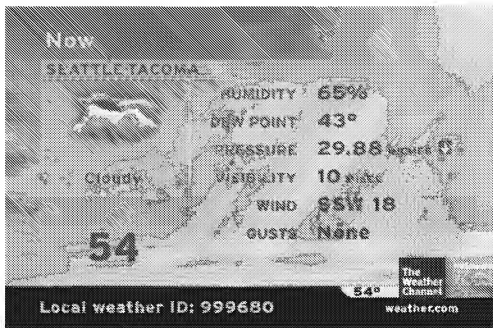
Claim 22 requires that the request requests communication via a web site, telephone, mail or e-mail.

The claimed invention is particularly helpful to content providers that distribute their content via cable television. The content provider typically does not have access to detailed information about the cable network, such as which households are connected to which head ends, since the cable companies maintains such information. As described in the specification at page 1, line 25 – page 2, line 7:

One of the problems with current cable television distribution systems is that it is difficult to maintain an association between the distribution devices in the cable television network and the viewers served. The cable television industry has been consolidating so that there are fewer cable operators. Consolidation typically affects the distribution and assignment of distribution devices within the cable television network. When a distribution device is installed at a cable head end, it is assigned to serve certain viewers or viewers located within certain geographic areas. If two cable operations are consolidated, then typically the number of distribution devices is decreased and the number of geographic areas served by a single distribution device is increased. The assignment of the additional geographic areas is not always logical. For example, one or more of the additional geographic areas may be remote from the original geographic areas or geographic areas that would logically be served by a single distribution device are split between two distribution devices.

In one embodiment of the invention used by THE WEATHER CHANNEL network, the unique ID associated with the receiver unit is displayed to the end viewers during a particular programming segment, such as the local weather segment. Shown below is an example of a graphic provided during a local weather segment in the Seattle-Tacoma, Washington area. The unique ID is shown in the lower left corner as “Local weather ID: 999680.” End viewers are contacted and are asked to watch the local weather segment and to communicate the Local weather ID that appears on their television, along with other

information, such as their zip code, to a central location. Based on the information that is provided by the end viewers, the geographic areas served by a particular receiver unit are identified. For example, the geographic areas served by a receiver unit having ID 999680 correspond to the zip codes that were associated with that ID by the end viewers.



To the extent that the Examiner is alleging that Meyer describes determining the area served since the intermediate server serves an area defined by the locations of the remote devices, the rejection improperly interprets Meyer. Figure 1 and the accompanying text of Meyer describe a single intermediate server that communicates with all of the remote devices. There is no discussion in Meyer of a system with multiple remote devices and multiple distinct intermediate servers so that it is necessary to know which remote devices are served by which intermediate server. The claimed invention requires a plurality of receiver units serving a plurality of end viewer locations. Since the receiver units generate different local content it is important to know which end viewers are served by which receiver units. The claimed invention requires that the receiver units provide a unique ID to

the end viewers and that a central system receives communications identifying the IDs and geographic areas where the IDs were displayed.

Claims 2, 5, 6, 10, 14 and 21-26 are focused on the system and method for requesting and gathering the information needed to determine which receiver units serve which geographic areas. Independent Claims 10 and 21 require communicating a unique receiver unit (or distribution device) ID to an end viewer (or end user), receiving information from the end viewer (or end user) that includes the ID the end viewer received and additional information about the end viewer, such as geographic location where the ID was received, and using the received information to determine the geographic areas served by a receiver unit. Claims 14 and 24-26 depend from Claim 10, and Claims 2, 5, 6, 22 and 23 depend from Claim 21. The dependent claims are distinguishable from Meyer for at least the same reasons as the independent claims.

### **CONCLUSION**

No fees are believed due. However, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account 11-0855. If there are any issues that can be addressed via telephone, the Examiner is asked to contact the undersigned at 404.685.6799.

Respectfully submitted,

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